

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DOUGLAS C. HOLLIBAUGH,

Defendant.

8:09CR337

TRIAL ORDER

This matter is before the court on the defendant's Motion for Extension of Time Within Which to File Pretrial Motions (Doc. 19) for the reason that defendant has retained substitute counsel. The defendant has been represented by retained counsel since the time of his arraignment on September 28, 2009. Moving counsel entered his appearance on October 16, 2009 knowing of the October 19, 2009 deadline for filing pretrial motions. Under the circumstances, the defendant has not shown good cause for an extension of the pretrial motion deadline.

IT IS ORDERED:

1. Defendant's Motion for Extension of Time Within Which to File Pretrial Motions (Doc. 19) is denied.
2. This case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin Tuesday, **November 17, 2009** at 9:00 a.m. in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.
3. Any motions for a continuance of this trial date shall be electronically filed no later than **November 3, 2009** and shall (a) set forth the reasons why the moving party believes that the additional time should be allowed and (b) justify the additional time, citing specific references to the appropriate section(s) of the Speedy Trial Act, 18 U.S.C. § 3161 et seq. Any defense motion for continuance shall be accompanied by a written affidavit signed by the defendant in accordance with NECrimR 12.1.
4. Counsel for the United States shall confer with defense counsel and, no later than November 10, 2009, advise the court of the anticipated length of trial.

Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" no later than **October 30, 2009**. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order ***is clearly erroneous or contrary to law***. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2.

DATED October 20, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**